

City Council Chamber, City Hall, Tuesday, April 29, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 29, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Debra Dillard, Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present.

At 1:56 p.m. Mayor White called the meeting to order and stated that Council Member Brown would begin presentations. Council Members Sullivan, Holm, Garcia, Rodriguez, Lovell, Noriega and Jones absent.

Council Member Brown stated that he was pleased to be honoring the Houston Grand Opera and invited Mr. Anthony Freud, General Director of the Grand Opera and Mr. Patrick Summers, a musician and conductor of the Grand Opera to the podium. Council Member Brown stated that in this century cities were defined and competed on the basis of their cultural capital, the arts, and Houston was blessed by having a major opera company in the world; and presented each a Proclamation proclaiming today as "Mr. Anthony Freud and Mr. Patrick Summers Day" in Houston, Texas. Council Members Sullivan, Holm, Rodriguez and Jones absent.

Mr. Anthony Freud stated that he and Mr. Summers were deeply honored with the Proclamation; that a world renown opera company such as the Houston Grand Opera must work tirelessly and imaginatively to build bridges to communities and reach all to achieve a win/win combination of true relevance. Council Members Sullivan, Holm, Rodriguez and Jones absent.

Mr. Patrick Summers stated that as a musician he firmly believed music was an art form which did transcend status and culture and they were very honored for all artists who performed with them and all who came to here, they were very honored and privileged. Council Members Sullivan, Holm, Rodriguez and Jones absent.

Council Member Johnson invited Ms. Cornelia P. Rose to the podium and stated that it was an honor and privilege to acknowledge a young lady who had done so much for District B; that she had recently been crowned Ms. Pasadena Senior Pageant Queen for 2008/2009 and her philosophy was to love humanity regardless of race and to help all; that she was also a spiritual singer and for all those reasons presented her a Proclamation proclaiming today as "Cornelia P. Rose Day" in Houston, Texas. Council Member Rodriguez absent.

Ms. Rose sang America the Beautiful; and Council Member Johnson stated that she would be going to the state pageant in August and thanked Texas Health Springs for sponsoring her; and Ms. Rose stated that it was a pleasure being here and she was having fun in her life; and thanked all who made this possible. Council Member Rodriguez absent.

Council Member Lovell invited the St. Thomas High School Eagles Basketball Team to the podium and stated that she was recognizing another local team who won a state championship; that positive motivation and challenge surrounded them and provided them with character building experiences; and presented them a Proclamation wishing continued success and proclaimed today as "St. Thomas High School Eagles Basket Ball Team Day" in Houston, Texas.

At 2:18 p.m. Council Member Adams stated that she was proud to welcome pastors of the Fountain of Praise Church and invited First Lady Mary Kay Wright to the podium to lead all in the prayer and Council Member Adams led all in the pledge.

At 2:20 p.m. the City Secretary called the roll. Council Member Adams absent.

Council Members Garcia and Jones moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. MOTION ADOPTED.

At 2:21 p.m. the City Secretary began calling the public speakers. Council Members Clutterbuck and Brown absent.

Mr. William Gregory, P. O. Box 130525, Houston, Texas 77219 appeared in opposition to Agenda Item 14 and stated that he was a contractor and against the commissioning section of the energy code as written, it would be extraordinarily difficult to police and difficult for an inspector to understand and asked that it be tabled until more definitively written and allow the owner/engineers traditional relationship to retain and let money drive what a building owner should do. Council Member Brown absent.

Mr. Jeff Miller, 11555 Clay Road, Houston, Texas 77043 (713-690-8989) appeared in opposition to Agenda Item 14 and stated that he was a professional engineer and consultant in the air conditioning business and his assertion was the energy code was incomplete and not ready for adoption, particularly to refrigerant reheat; that with Houston's hot humid climate it necessitated extraordinary circumstances and procedures to dehumidify and control humidity in the air stream; that also the commissioning only had two sentences and was incomplete; and encouraged the adoption be tabled. Council Member Johnson absent.

Council Member Lawrence stated that to announce to all on the subject they would be having a round table meeting tonight at 6:00 p.m. in the basement of City Hall, the Mayor's Conference Room and she would love for him to attend, some of what they spoke of would be addressed tonight. Council Member Johnson absent.

Mr. Stephen Lavoot, 4507 Anchor Point Court, Missouri City, Texas 77459 (713-785-1311) appeared in opposition to Agenda Item 14 and stated that he was a mechanical engineer and most points were already discussed, but he would address the fact that the way this was written you had to relax the insulation to allow an equalized point so the unit could be selected correctly and more thought needed to be given to that and as said the code was not complete and the payback principle took too long and with the lighting people would add task lighting and it still would have an equal point. Council Members Johnson, Garcia and Green absent.

Mayor White thanked Mr. Lavoot for coming and stated that he believed they heard Council Member Lawrence earlier about the meeting. Council Members Johnson, Garcia and Green absent.

Mr. Gerald Spencer, 3759 Drake, Houston, Texas 77005 (713-621-2482) appeared in opposition to Agenda Item 14 and stated that he was in the consulting engineering business and a member of the plumbing review board and he was concerned with the humidity control, commissioning definition and the other items spoken to, but primarily he wanted to speak of the administration because if an ordinance was passed and not defined they were expecting inspectors to interpret it and no two people would do so the same; and urged it be sent back to the CIC committee and allow them to work it out. Council Members Johnson, Garcia and Green absent. Council Members Johnson, Garcia, Noriega and Green absent.

Council Member Brown stated that the language and what was being proposed came out

of the ASHRAE Code and it was more of a performance based code; and upon questions, Mr. Spencer stated that in Houston there was a high humidity problem where they prohibited cooling air and reheating it so you were not freezing, there were other systems and ways that could come close but even on the building startup and upset condition, when doors were being held open, etc., it would be an upset condition and with that they needed to cool the air down and reheat it to get back to normal operating. Council Members Johnson, Holm, Garcia, Noriega and Green absent.

Upon questions by Council Member Khan, Mr. Spencer stated that he was not on the committee but knew the results and believed the CIC, Construction Industry Council, should have to reconsider; and Council Member Khan stated to Mayor White that this was a concern, he was not sure if the industry professionals had opportunity to give input and that was with general ordinances; and Mayor White stated that the ASHRAE process culminating in this was a peer review unanimous process on the national peer review standard and many industry groups and thirteen months through different processes and hearings and it was reviewed by Texas A & M and one principal components of the review was to look at various features of the ASHRAE Code which was the process which may need to be modified based on the climate of this region, but that was not to say there was ever too much input from individuals, but Council Member Lawrence and Mr. Icken could brief them; and to Mr. Spencer, did he understand the engineer on the process would be the one certifying the commission; and Mr. Spencer stated that he did a lot of work for the U. S. Navy and basically it had to be in writing somewhere what was expected and when they did a job for the Navy the consulting engineer wrote up a commissioning procedure of what they wanted, contractor specifications on testing, balancing, etc., but it would be a contractor requirement defined; that he believed the commissioning section needed to be more detailed and prescriptive on protocols and have a uniform approach and not two sentences. Council Members Johnson, Clutterbuck, Holm, Garcia, Rodriguez, Noriega and Green absent.

Mr. Bill Carey, 5615 Kirby Drive #640, Houston, Texas 77005 (713-965-2920) appeared in favor of Agenda Item 14 and stated that he was with a real estate group and representing the Building Owners and Managers Association (BOMA) and BOMA was a member of the Construction Industry Council and they understood taking a standard ASHRAE 90.1 and creating a code was an arduous task and they believed it was time to pass it as the energy code; that they preferred to use the International Building Codes but understood the reason of using 90.1; and at this time BOMA was prepared to support the city in passing the code. Council Members Johnson, Clutterbuck, Holm, Garcia, Rodriguez, Noriega and Green absent.

Council Member Lawrence thanked Mr. Carey for coming and stated that again she would repeat tonight at 6:00 p.m. in the Mayor's Conference Room they would be holding a meeting and she did hope to see BOMA there and give more information. Council Members Johnson, Holm and Green absent.

Mayor White stated that he understood the particular issue, which he was sympathetic with, was small scale remodeling and he thought they could work with some executive order about enforcement priorities between now and when the legislature would give relief on it and also he did appreciate them being present; that he and Council Member Khan were at ground zero on commercial construction on planet earth and Dubai and Aubudabi and Dulhoff was an area with a population of this metropolitan area and there would be more chillers going in than in north America this year, more than 30% of the construction cranes on planet earth would be in one of the three cities and where you could see at a horizon some 50 class A office buildings under construction in front of you; and for the Aubudabi National Oil Company, the fifth largest oil exporter in the world, their building was designed by a Houston architect team impart because of the experience in doing energy efficient buildings; that they were building a city which would be completed within 36 months of office buildings with 60,000 workers which would

have zero net electricity consumption off the grid and it was because they did not want to waste any energy and he mentioned this because there was a competitive advantage for those who managed buildings and designed buildings, for those in the construction trades to be familiar with standards which increasingly swept the world as they dealt with energy bills. Council Members Johnson, Holm and Green absent.

Mr. Larry Goodman, 5711 Oakwell Station Court, Humble, Texas 77346 (281-852-1156) appeared, presented information, spoke in favor of Agenda Item 14 and stated that he was representing the Institute of Real Estate Management and shared a dual role as member of the Construction Industry Council for the Institute of Real Estate Management and he could assure them that there had been much hammering among members during discussion of this code before it reached their desk; that CIC had 40 professionals as members and he would encourage them to look at cichouston.org for a full listing of members who participated and all meetings were public; that they supported the code because it represented the forward steps they believed Houston should continue to make; and encouraged the items passage. Council Members Johnson, Holm, Garcia and Green absent.

Mayor White thanked Mr. Goodman for being present and for his leadership in the industry. Council Members Johnson, Holm, Garcia and Green absent.

Mr. Rodney Lewis, Meadow Briar, Houston, Texas 77063 (713-975-0780) appeared, spoke in opposition to Agenda Item 14 and stated that he was a consulting engineer and vice chair of the committee which produced the construction industry council documents and had a long resume with ASHRAE and the CIC and the construction industry was divided over the code as there was already an energy code and it did not make sense to force this onto the entire industry because a small percentage of primarily office building developers were doing this LEED Green stuff and it was to the advantage of those who did choose to do LEED and Green to make the entire industry comply and it was not fair, the code was not finished and he spent most of yesterday going back and forth between Texas A & M and the City of Houston fixing a few things including the major problem he had regarding humidity control; that this was a 190 page document with a 400 page users manual and the market place was forcing truly efficient designs and major stakeholders and public and private schools were not represented; that the code did not give sufficient paybacks when comparing it with the current code and the lighting was too aggressive, and cool roofs eliminated 70% of the roofing products in the market place and with everything else in the code had no significant payback. Council Members Johnson, Holm, Garcia and Green absent.

Mayor White stated that he appreciated the time he spent on this project and on the last point he would make a note for those monitoring that Mr. Lewis had information which conflicted with information the city had concerning the roofing and he wanted to make sure they had a chance to exchange some of that information; and upon questions, Mr. Lewis stated that the heat absorption of the roof had no effect on the hitting bill and the reason was they were going with R30 insulation under the roof and that gave a U factor where the actual number of BTUs you would save between the cool roof and ordinary roof was less than 2 BTUs per square foot and that would make no difference in the size of any air conditioning, but might make a very minor difference in energy and if he read the Hark Study it almost said that and any air conditioning air conditioner engineer in this town could run the numbers and show it too him. Council Members Johnson, Holm, Garcia and Green absent.

Mr. Keith Reihl, 8550 Waiting Spring Lane, Houston, Texas 77095 appeared in favor of Agenda Item 14 and stated that he was a member of ASHRAE and on the board as treasurer and also on the board of the United States Supreme Building Council in Houston and they were in favor of the energy code as proposed, he served on the code and they worked diligently for nine months on it and tried to get the word out to have all stakeholders come with input and

what they had was the results of that; that there were no perfect codes and this was not, however, it was a step in the right direction, energy efficiency was on everyone's mind and it was important. Council Members Johnson, Sullivan, Holm, Garcia, Noriega and Green absent.

Mayor White thanked Mr. Reihl and his organization for the leadership they took in this. Council Members Johnson, Sullivan, Holm, Garcia, Noriega and Green absent.

Mr. Kapil Upadhyaya, 6909 Portwest Drive, Houston, Texas 77024 (713-426-7508) appeared and spoke in favor of Agenda Item 14 and stated that he worked as a building energy analyst with Kirksey and a member of USUBC, ASHRAE and he wanted to speak in favor of ASHRAE 90.1 2004 because it was one standard and already adopted by 11 states, in four states which adopted it there was a more stringent energy standard and Florida was one with a similar climate and in was in favor of the Green movement. Council Members Johnson, Sullivan, Holm, Garcia, Noriega and Green absent.

Ms. Julie Hendricks, 406 Archer, Houston, Texas 77009 (713-426-7566) appeared and stated that she was an architect with Kirksey and member of the American Institute of Architect and of the U S Green Building Council and was speaking to the upgrade of ASHRAE 90.1 2004 with City of Houston amendments; that the code was probably 15% more efficient than the current code and that was what they were arguing on behalf of; that Upadhyaya with Kirksey who just spoke had done studies and showed the cost to increase for the code upgrade would be slightly more than 1% and the energy savings should be in the range of 16%; that almost all their projects had to meet ASHRAE 90.1 2004 and they had been doing this for years and they and their business partners knew how to use it. Council Members Johnson, Sullivan, Holm, Garcia, Noriega and Green absent.

Mayor White thanked Ms. Hendricks for her firm being a real leader in the design community. Council Members Johnson, Sullivan, Holm, Garcia, Noriega and Green absent.

Council Member Clutterbuck stated that when she evaluated something like this she thought of their family business and the Class B commercial property they owned and replacing windows was a major expense and under the current code if they replaced some they would have to replace all if they exceeded a certain percentage and wanted to know if the market was available; and Ms. Hendricks stated that there were longer lead times these days but she had not noticed any shortages of energy efficient windows or other products; and Mayor White stated that was a legitimate and serious topic and he would say in about 2004 and beginning with the Architect and Engineer Conference on energy efficiency he said they would move to much higher standards on the energy code and it was his evaluation based on what he heard that one principle bottleneck would be the design community itself and that was why they did not rush into it, but since then there were hundreds of professional certified in the design community and on materials they wanted to be a leader, but throughout the country cities and states would have more rigorous energy codes and those were things they tried to think of; and Ms. Hendricks stated as far as she knew there was no requirement within the standard that could only be met by one product by any means. Council Members Johnson, Sullivan, Holm, Garcia, Noriega and Green absent.

Upon questions by Council Member Brown, Ms. Hendricks stated that the upgrade cost was found to be in the range of 1%, 1.4%, and cost savings in terms of utility costs were around 16% and she believed that was with a 4% increase per year; and Council Member Brown stated that he felt this was just what was needed. Council Members Johnson, Sullivan, Holm, Garcia, Noriega and Green absent.

Mayor White stated that he was not an expert but in general in the world there were economies of scale and in general when you increased the demand you found over time

additional manufacturing capacity came on line and the unit cost was reduced. Council Members Johnson, Sullivan, Holm, Garcia, Rodriguez, Noriega and Green absent.

Mr. Brian Malarkey, 6909 Portwest Drive, Houston, Texas 77024 (713-426-7473) appeared in favor of Agenda Item 14 and stated that he also worked with Kirksey, but was present representing the American Institute of Architects, he was president of AIA Houston and their board unanimously supported the adoption of the new energy code, it was right for the city and since September 2005 this was mandatory for all Texas State funding buildings, it was nothing new and it was a huge step in the right direction. Council Members Johnson, Sullivan, Holm, Garcia, Rodriguez, Noriega and Green absent.

Mr. David McCoy, 320 Westcott, Houston, Texas 77007 (713-866-8509) appeared, spoke in favor of Agenda Item 14 and stated that he was a consulting engineer and fellow in ASHRAE; that in 2002 they learned Senator Brown sponsored a Bill which passed and signed into law and the State of Texas adopted their first energy code; that he recently reviewed the Bill and it was Senate Bill 5; that as of September 1, 2002, the City of Houston had incorporated by state mandate an energy code and an interesting fact in Chapter 7 of the document stated that commercial buildings would meet the requirements of ASHRAE IES Energy Code for the commercial and high-rise residential buildings and Chapter 8 was allowable exceptions. Council Members Johnson, Sullivan, Holm, Garcia and Green absent.

Mayor White stated that if there was more to his statement he could present it to Ms. Vasquez it could be circulated. Council Members Johnson, Sullivan, Holm, Garcia and Green absent.

Mr. Andy Teas, 4810 Westway Park Blvd., Houston, Texas 77041 (713-595-0300) appeared and stated that he was present on behalf of the Houston Apartment Association and wanted to speak on Agenda Item 42, amending Chapter 11 on alarms; that he believed it was needed as HPD spent much money chasing false alarm calls and the money needed to be recouped from those making the false alarms, but would urge more of the burden for false alarms be placed onto those generating false alarms and less on permittees who did not; that the initial proposal would up the permit fee from \$15.00 to \$30.00 and on an apartment that would really be going from \$30.00 to \$60.00 because you permitted the panic alarm and break in alarm separately; that he felt with the cost a number of people would just opt out and not use the alarm system and it would be a shame; and on Agenda Item 20, the consolidated housing action plan, Housing did an excellent job in putting the report together as required by HUD each year but there was a required section called Barriers to Affordable Housing and they never mentioned the operational cost of running an apartment and in a lot of cities affordable housing was subsidized housing and there was no reason to make a distinction because they were one and the same, but in Houston that was not the case, as of this morning their data showed 192,000 189 Class C apartment units which went for an average of \$546.00 per month and that was a statistic which would make some of his members cringe and it was hard to overstate how important that was to Houston's economy. Council Members Johnson, Sullivan, Holm, Garcia and Green absent.

Mayor White stated that he was making notes and to Mr. Moore and Ms. Stein he wanted to make sure, what he appreciated on several occasions he did shoot straight and it was appreciated; and upon questions, Mr. Teas stated that in a typical apartment unit the alarm system was prewired and there was a break in alarm which was sensors on doors and windows and alerted police for break in and it was a low priority police call and they usually also had a panic button in the bedroom which generated a priority one call and they required separate permits and you would need to pay for two permits even though it was one system; and Mayor White stated that he understood his point, but they did want more cost recovery on enforcement and he looked at what other cities charged for permitting and how many arrests came from

alarms and the Administration did support increasing the fees but they did not necessarily want it so high that people could not afford permits; that they would still run the panic alarm call, but he wanted people to explain to him for an apartment which had the two systems why..., he would pursue the topic. Council Members Johnson, Clutterbuck, Holm, Garcia, Rodriguez and Green absent.

Upon questions by Council Member Noriega, Mr. Teas stated that because they had such a large supply of market rate affordable apartments he thought it would be great if when they talked about affordable housing the policy makers would realize it was not just the acquisition and distribution of federal funds, it was important affordable housing had to do with water and sewer rates, city imposed fees, tax treatment of apartments and the fact that Houston still required apartments to subsidize single family garbage pickup and anything which added cost to a Class C apartment unit did far more to fortunes of housing consumers than anything they could do with other important funds. Council Members Johnson, Clutterbuck, Holm and Green absent.

Upon questions by Council Member Jones, Mr. Teas stated that he was not asking for change in the plan, but when talking about affordable housing it was important to realize the affordability had a lot more than acquisition and distribution of affordable funds and when no one talked about Houston having some of the highest water and sewer rates in the country or about city driven costs for apartment operation they missed a big part of the affordable housing equation; and Council Member Jones stated that as chair of the Housing Committee she would invite him to their committee as they would be happy to hear any ideas or solutions. Council Members Johnson, Clutterbuck, Holm and Green absent.

Council Member Khan stated that on the alarm permits the changes of the fee structure was not so much of getting the cost reimbursed to HPD but more to make sure people acted responsible and he thought monitoring companies could become allies in this and when they collected the fee they could encourage the person to get the alarm permits and also many times they could ascertain if it was a false alarm and see if HPD was required; and upon questions, Mr. Teas stated that he would hate to speak for alarm companies and he would guess if he were them he would be concerned about the liability of putting them in a position of deciding what was legitimate or not and needed to be passed to police; that he did think they could be great allies in helping to see that alarms were permitted. Council Members Johnson, Clutterbuck, Holm and Green absent.

Upon questions by Council Member Lovell, Mr. Teas stated that typically new apartments were prewired and it was about 20% of the market which was 306 properties out of the 1,550 they showed in the City of Houston, 19.7% or 86,000 units. Council Members Johnson, Clutterbuck, Holm, Noriega and Green absent.

Upon questions by Council Member Adams, Mayor White stated that with respect to folks who did not pay their alarm permit then he would guess their view was it was better for people to pay than not pay, although they should have better systems than they have had in making sure the alarm companies were not calling in and they were not responding to passive alarms where there was not a valid permit so the principle discouragement should be that you did not get a response and he was not sure they wanted to have a big penalty if someone had not paid the alarm for them to get caught up; that in Municipal Courts sometimes they give amnesties or a discount to go in; that if someone had more than seven in twelve months they could revoke the permit. Council Members Johnson, Clutterbuck, Holm and Green absent.

Council Member Lawrence stated that this was on the Agenda tomorrow; and upon questions, Mr. Teas stated that the proposal on the table was \$60.00 for permits for an apartment unit which currently cost \$30.00 and he would think in between those numbers would

be something to shoot for. Council Members Johnson, Clutterbuck, Adams, Holm and Green absent.

Council Member Garcia stated that they had been working on this issue a longtime and he wanted to make sure they stayed at the table to find an answer because the alarm permit in theory was when a homeowner had an alarm and one did not and both were at risk of being broken into the one with the system and permit was designed to go in the front of the line in terms of police response, but with the number of false alarms they were putting people in harms way by deleting police visibility; and upon questions, Mr. Teas stated that he was looking at apartment customers and thought there was value in their using the alarm as an alarm and not just as a door chime and he did think a recoup of costs were needed for police and a fairness angle but thought as much of it that could be done on the false alarm generator rather than on the permit holder who did not generate the false alarm he thought the better it would be. Council Members Johnson, Clutterbuck, Adams, Khan, Holm and Green absent.

Mayor White stated that Mr. Teas had given information concerning 306 apartment complexes, 20%; and upon questions, Mr. Teas stated that he did not know if that number included both alarms, but it was the number of properties who offered alarms. Council Members Johnson, Clutterbuck, Adams, Holm and Green absent.

Council Member Sullivan stated that clearly this was a committee process and they still had homework to do and he would be looking forward to it and also some false alarms were electrical related, surges, and then also initiated by weather and he thought they would want to be sensitive and not penalize those homeowners; and Mayor White stated that first, repetitive false alarms someone would have to pay for it and he did not care if it was weather or anything else, just a question of who and secondly there was an issue of permits and the bottom line was if you paid a permit and he thought people should have the right to have an alarm and a permitted alarm for public response, but the reality was there was relatively few arrests made at the end of the day and then the question was should cost be more on the alarm owner or the general public through property taxes. Council Members Johnson, Clutterbuck, Adams, Holm and Green absent.

Council Member Lawrence stated that maybe then they would need a third prong and as they developed this database of those who called in false alarms they also find out who was doing the installation and she thought they would find out the companies were not even in Houston and were hiring the lowest bid people and that it was the same people doing the installations and she did not think the taxpayer.; that she thought there should be a link to the city website, a public safety link, where you would get apartments with the highest crime in every district and the worst alarm companies on installation, etc., so an average person coming into Houston could look up the district they wanted to live in and find out where they did not want to live, etc.; and Mayor White stated that was an excellent idea. Council Members Johnson, Clutterbuck, Adams, Holm and Green absent.

Mr. Tom Horan, 2045 Brentwood Drive, Houston, Texas (713-528-0821) appeared and stated that he wanted to thank Council Member Brown for attending their press conference regarding the 45 foot four story parking garage being built at the River Oaks Shopping Center; and thank Council Members Green and Noriega for sending representatives; and requested the Mayor and Council Members go to their neighborhood and see how deplorable it was that Weingarten Realty was attempting to turn their neighborhood into a potential death trap with deadly car fumes; and he hoped the Mayor and Council would never allow such to happen in another neighborhood ever again. Council Members Johnson, Clutterbuck, Holm, Noriega and Green absent.

Council Member Brown stated that Mr. Horan lived on a beautiful street and with the

expansion of the shopping center the garage was being built five feet from his and his neighbors property line and there were utility poles he was amazed as Center Point had an absolute minimum of ten feet and he did not see how they could be in the five feet and it preempted any kind of landscaping or buffer to minimize or reduce the impact of such a large structure and he believed the buffering issue really needed to be dealt with in Houston; and upon questions, Mr. Horan stated that he lived on the street 51 years and Weingarten should talk with a landscape architect and see what remedy they could give them to protect, but he was more concerned about fumes to his grandchildren. Council Members Johnson, Clutterbuck, Holm, Noriega and Green absent.

Mr. Frank Watson, 10910 Whitethorn, Houston, Texas 77016 (281-449-7663) appeared and stated that he was from the Armstrong Acres community and he had a letter from the Mayor and it indicated he sympathized with their complaint about the prevalence of industry in their area, but that he could not and would not cancel the contract to relocate the mounted police patrol in their neighborhood and they were not asking for a cancellation but for a modification of the contract to exclude horses and dogs and they had found out the city had looked at property on Dorsett and plans were drawn but then information disappeared and a letter from Chief Hurtt went to Mr. Joe Turner requesting 15 acres of land on Little York Road and they were now in the process of having it moved there; that the property on Dorsett would not have posed the same problems as on Little York Road; and had passed out pictures to show how close the mounted patrol would be to the next door neighbors and that the water would dump and go to Little York and contaminate the water to those living there and when draining to the street it would go to the bayou and in the process the smell and what was in the water would be going down the neighborhood and the traffic congestion would be worse. Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent.

Mayor White stated that he would ask Legal, this said it was the second request for information; and upon questions, Mr. Watson stated that he sent in his first request March 10th; and Mr. Heilman stated that they would follow-up and get it responded to; and Mayor White stated that it should have been responded to; and Mr. Watson stated that he received response from Mr. Dadoush's office but not Chief Hurtt or who had the management plans of runoff, etc. Council Members Johnson, Clutterbuck, Holm and Green absent.

Upon questions by Council Member Jones, Mr. Watson stated that it would be helpful if they could make sure the water did not run off and contaminate the water tables, it would help those next door, but what they were concerned about also was the horses, dogs, smell, traffic and reduced property values; that Dorsett offered a quicker way to the freeway and it would not have the same environmental issues and it was mostly industry on Dorsett. Council Members Johnson, Clutterbuck, Holm and Green absent.

Ms. Marilyn Spahr, 8511 Concho, Houston, Texas 77036 (713-270-5014) appeared and stated that today was her 25th wedding anniversary but was spending today here to bring a problem on their street, they have had no street lights for nine months due to a project started in the area in July 2007 and in August 2007 workers inadvertently cut lines to the street lights and Center Point turned off the lights; that she had documentation of all her phone conversations with everyone from the City of Houston to Center Point, Ms. Dawn Heard with Council Member Khan and her latest documentation was a call from Mr. Gary Norman who spoke with the project manager at Center Point and was promised within 24 days they would begin their street, however, she had an email from him which stated in February the lights would be on within 45 days and now again was saying 24 days; that crime in their area was up and her van was broken into. Council Members Johnson, Clutterbuck, Holm, Noriega and Green absent.

Upon questions by Mayor White, Ms. Spar stated that since the water project was finished and cables were cut they were drilling down to put new cables and pull them through with the

old cables and then reconnecting them; that he project was finished in late December and December 31st they had all cosmetic done, driveways, grass, all was done and since she had made many phone calls to no avail; that the project was started in the subdivision July 2007 and in August cables were cut; and Mayor White stated that was lack of customer responsiveness and inefficiency; and upon questions, Ms. Vasquez stated that her information was the project was completed in February 2008 and Center Point would start work in 24 days; and Mayor White stated that someone should be on the line with Center Point right now, this should not be happening. Council Members Johnson, Clutterbuck, Holm, Noriega and Green absent.

Council Member Khan stated that they were frustrated with what was going on and to the Mayor Center Point had a policy that during a project if lights were out for any reason they did not come back to fix it, they waited until the project was complete and according to their policy it should not take this amount of time; that another part of the frustration was many times it was back and forth, being referred to Center Point by the City of Houston and to the City of Houston by Center Point and Public Works had been following up with Center Point and different schedules were being given even to Public Works and the latest was 24 days; that he also did not think this was a unique situation and believed it happened more often than not and that it was probably appropriate for someone, maybe the Director of Public Works, to sit with Center Point and work out a clear procedure as to how these things would be followed up in the future; and upon questions by Mayor White, Ms. Spar stated that she believed Center Point contracted out to Jose Sanchez; and Mayor White stated to Ms. Vasquez to get a copy of Ms. Spar's information and a follow-up needed to be done with Center Point today and tomorrow he and Council Member Khan needed to be informed of the status; that there should be a policy and work schedules done in advance; that there was also a dispute as to when the project was complete and personally he would bet on Ms. Spahr and she and Ms. Vasquez and Mr. Norman were all given three different months of completion and if the citizen was wrong he wanted to be helped to understand, he wanted that reported back on also and if the citizen was right he wanted them both to apologize to her and he apologized and work was finished when no one was in the street working and not when someone came back to process paperwork. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Belinda Crimmins, 1816 Harvard, Houston, Texas 77008 (713-861-3180) appeared and stated that they lived in the Heights and on April 22nd Public Works and Engineering shut off their water to do work and this was the second time in the last three months, they could not cook, take baths, etc., and it was understood, however, when she received her bill she called for a water adjustment because after turning it back on for 20 or 30 minutes it had to run to get all the silt, metals, etc., out of the pipes and she was told she did not fall into the correct categories to get a refund and it still fell into her average water consumption; that she said still for 20 minutes they could not use their water and now they wanted to charge her for the water and charge the sewage charge when they never even used the water. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Noriega and Green absent.

Upon questions by Council Member Jones, Ms. Crimmins stated that they were being charged \$19.68 per household, assuming all were being charged the same rate and Mr. Norman said to her there was no mechanism to credit people for unusable water; and Council Member Jones stated to the Mayor she would like to know if they could do something; and Mayor White stated that he did not know and would come back to this. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that they had a number of plants changed in District A and it was the pipe from the water line to the house and old pipes had a lot of rust and the new pressure knocked it all loose, it always happened in houses but not necessarily 20 minutes and

it was explained to her that was the area constituents were responsible for. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Crimmins stated that the \$19.68 was the charge for three faucets running 20 minutes with a water and sewer charge; and Council Member Khan stated that he understood her frustration. Council Members Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that his inclination was it was not appropriate to adjust a water bill at the Council table but bringing this helped; that within the Public Works Department they did want uniform, nondiscriminatory rules for employees to follow; that at one time he authorized a budget to have more supervisors to the person answering the customer phone so the supervisor could make more decisions on bill adjustments based on common sense and he wondered to what extent that was implemented, there should be guidelines and the ability to make small adjustments like this; and to Mr. Norman and Council Member Lawrence perhaps this was something they could have a committee hearing on, procedures for adjusting water bills; and defects in water meters was another thing which needed adjustments. Council Members Johnson, Clutterbuck, Sullivan, Holm, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Pam Robinson, 4215 Washington, Houston, Texas 77007 (713-882-6038) appeared and stated that she was owner of Walters on Washington and was present with response to the Pevetos complaints brought before Council two weeks ago; that she had been in business at the location since 2000 and the building held various clubs since 1942 and originally opened being a club; that the Pevetos moved behind Walters a few years ago and began a campaign of harassment and she brought copies from HPD with her today showing their calls, in October 2006 she received a citation in response to one of their complaints even though the music had not yet started and the judge dismissed the charge and an additional 211 visits from HPD had resulted with no citations being given to Walters; that they were abiding by all laws and rules and yet still were harassed; that other neighbors have not complained and today she brought a letter from her next door neighbor who lived there the last 19 years and her statement was evident of Walters determination to be a good neighbor; that they were already in compliance with city ordinances, but in an effort to resolve the situation additional funds were spent to address the Pevetos concerns of noise omitting from the walls and in return the Pevetos increased calls to police and with no citations given it was clear evidence of the harassing nature of the Pevetos; and she welcomed any suggestions to stop the harassment. Council Members Johnson, Clutterbuck, Sullivan, Holm, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Ms. Robinson stated that the city attorney contacted her attorney and asked that she speak today, but there was a lawsuit; and Mayor White stated that Captain Williams was present today with HPD and here are some issues, first, the city had ordinances based on decibel levels and they lived next door to a residential neighborhood and this one neighbor called in a number of times, certainly there should be a machine out there to measure decibels; and Ms. Robinson stated that HPD did check with their machines and she was always below the acceptable level; and Mayor White stated that if he were a business owner and someone said he was not complying with the decibel level and he would pay for a decibel machine which had a memory and people could go back and check the memory and see they were in compliance; and upon questions, Ms. Robinson stated that she thought what they were doing was working, HPD came out with his meter and declared they were not breaking the law; that the Pevetos called even when the club was not open; and Mayor White stated that she and the Pevetos were both concerned about something and he was concerned

about a third thing, if there were 211 calls and officers going out, it was the same to him as when they spoke on false alarms, his first concern was could there not be a machine to take care of this where they would not need some of the most highly trained law enforcement personnel in the U S to go and check and secondly, if there had been that many calls and never had citations then when did you stop responding to calls and thirdly, there was a public policy issue about bringing legal action against a citizen for calling HPD, he hoped with the Legal Department they were able to mediate this and find a resolution because she came and said she was not trying to intimidate a citizen with a legitimate complaint but just did not want officers showing up all the time on her property when she was not doing anything wrong and he was saying there should be a decibel meter where the citizen could monitor and the call would not have to be run all the time; and Ms. Robinson stated that Washington Avenue was commercial. Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she did not know if the Mayor's technology existed, but here there were two people looking at the same situation at opposite extremes and both thought they were right, but if there was something that would track decibel levels it would help her in a lawsuit, it absolutely strengthened someone's position, but without that then even when police came out and it did not show it higher than the octave, it did not mean it was not higher when the call came in; and she was not saying she was wrong, but sometimes when people thought they were really right and went to court it went exactly the opposite; and Ms. Robinson stated that they had been monitoring with meters the last two years; and Mayor White stated that what he was saying to Ms. Robinson and Legal, Council Member Jones put it better than he did and he knew the technology existed to record levels over a period of time; and with mediation and technology he would like to see a way to resolve this other than court; and as the neighborhood changed, he even got complaints on churches; and Ms. Robinson stated that she had been doing what Council Member Jones said; and Mayor White stated that the meter needed a memory. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Ray Hill, 414 Marshall #3, Houston, Texas 77006 (713-523-6969) appeared and stated that he had been coming to Council talking about HPD about 40 years now and dealt with every chief since Herman Short and with every Mayor since Louie Welch and each left being better friends with him than they ever suspected, but he had a concern with HPD and last time Council Member Garcia set a forum where they could all get together and mediate and come to an understanding and he had cooperation of Chief Lundholm and Captain York and they came up with a resolution, but now Chief Lundon and Captain York did not answer his calls and now he was requesting a formal hearing with the safety committee as he thought it important for citizens to have access to the rank of the police department because if there was an attitude of police being in a Bastille and citizens could not discuss then they were in a situation of dividing citizens from authorities within the community and that was a safety issue. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Jones, Mr. Hill stated that there was a safety issue involving lives of officers and a citizens ability to address their concerns when communication was severed and his current concern was officer arresting people for minor charges and instead of allowing them to book into jail and make bond and get out they put a 24 hour hold so they could not get out for a day and a half and the hold was not necessary and it was pre-conviction punishment; and Council Member Jones stated that part of her platform was diversity training and they had discussions of presupposing who people were before they met them and she thought that was a good idea; and upon further questions, Mr. Hill stated that in interfering for someone's safety it was easier to call an officer's boss or assistant chief and when the lines of communication broke down how could he protect someone if he saw them being abused and he

would like a formal hearing. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that he did raise good points and Council Member Noriega was not present, but she was aware her staff was listening and if not she would talk with her and see if his request could be fulfilled. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he would like to make a procedural comment; that there was an issue for citizens here trying to put some of the budget to bed, they were in a budget cycle, and the last time people were here on Salford he had to talk with a Council Member in back and he realized now they were on the Agenda and he had a meeting he had to attend right after 5:00 p.m. and he would ask his Chief of Staff and to Council Member Lawrence this was an important issue and they would go down to street design if people were here; that he was briefed by Mr. Icken, Council Member Lawrence and had conversations with Director Marcotte about this and he wanted citizens to know that he had to step out, but it was a coincidence he was not boycotting them; and while at his meeting he would try and monitor proceedings. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Mathew Dougherty, 13230 Adler, Houston, Texas 77047 (713-433-3849) appeared, presented information and stated that the Texas Medical Center was one of the most important assets in the city and access to it was critical; that North MacGregor Drive was a three lane road traveling west and provided the most obvious route from the freeway system and it was heavily used for access to Herman Park and deeply congested; that a two year construction project recently finished at the intersection of MacGregor and Herman Loop and during the project the left lane of North MacGregor Drive was closed and used for a parking lot for construction workers and to accommodate for the loss of the lane the other two lanes were curved at the intersection and now that the project was completed and someone decided to permanently close the left lane and it was a missed opportunity to correct the traffic problem of ambulances and public; and urged it be fixed. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked Mr. Dougherty for bringing the situation to Council's attention and stated that she knew Mr. Norman was present to address the issues and if he would meet with him they would see he gets an answer to his concerns. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Ms. Kellee Duer, 2418 Droxford, Houston, Texas 77008 (832-868-1053) appeared, presented information and stated that she had children and today she and others were present pleading for help of their families wellbeing; that she lived in Timbergrove Manor and their street already suffered with cut through traffic, the Salford to Droxford to Seamist routing was heavily used now because drivers figured out there was only one stop sign in that entire route; that moving barricades would only encourage more cut through traffic; that area realtors assured many of them that the opening of Salford in any fashion would decrease their home value by a minimum of \$10,000.00 a home and more important was safety of their children; that they were speaking of two tenths more driving distance and people who did not live there now would never know the difference and businesses there prior never had a problem and ran businesses 24/7;

that they were pleading for protection. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he thought there would be a meeting tomorrow evening on this; and upon questions, Ms. Duer stated that there was no community meeting they knew of, but they would love one; and Mayor White stated that there were street design issues that came out and he wanted to say the issue was not in his mind about the profit of a particular developer, there was an issue which had to do with predictability of policies in the city where people plat and had approved streets, entrances and exists for undeveloped real estate because there was a policy and they wanted people who bought property in Houston to know where streets would be going; that he thought concerns about traffic were legitimate and handling cut through traffic by design was legitimate and there needed to be balance and they would pay close attention to any good idea; that probably a street installed would not be closed; and Ms. Duer stated that there was a triangle behind them and the development company had chosen to not make their own road going through their development, they did not want a cut through street in their new development and there was ample room, if they would build a road through their new development they would not need to cut through their four block subdivision, it was very workable, but instead they wanted to go through their four block established neighborhood and it was not only ridiculous but not fair; and Mayor White stated the two issues was closure of a street platted, permitted and built and the other should there be a requirement for streets within the undeveloped subdivision that would enhance mobility. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that the handout was great and this was a stub street; that Council Member Adams had the same situation and his Administration corrected the problem, any stub street now had notification, the problem so hard to understand was what a stub street meant and it was that in the future the street would possibly go through and regretfully there was no notification; that there was some back and forth agreements on how to adjust Salford and a point brought up was a majority of people were not getting to vote and it bothered her, a group of people did not want it to go through, but they did not know what the other group wanted; and Ms. Duer stated that she also thought the people should be educated that at 18th Street and 610 a huge apartment complex was just built, 304 units and they were talking about a lot of cars and 18th Street was already bogged down and now they wanted to bring two miles of traffic through their small four blocks to 18th Street which was already bogged down; and Council Member Lawrence stated the exit to 18th was already bogged down and she talked to TxDOT and they were adding a 12th Street Minimax exit and that would help get traffic off the freeway and it would help the new development, yet to be known, and they would not need to go to 18th coming home; and more options needed to be presented to be fair to everyone. Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she looked at the information presented and wanted to focus on the surrounding property owners not being notified of the replat and that the Planning Commission was asked to review current procedures and recommend possible changes; and she wanted to know if policy was changed; and Council Member Lawrence stated that yes, policy was changed. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Adams stated that they were dealing with the same issue in two locations in District D; and upon questions, Ms. Duer stated that the community did not want the street to go through, it had been opened and then barricaded and at this time was barricaded, but when construction started the barrier would go; and Council Member Adams stated that what she

wanted to be sure of was that the same thing was being done for both sides of the city to make sure communication on streets and barricades was the same for all and she was going to follow this closely and Council Member Lawrence did have her support in upholding the integrity and character of their community. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that this became more and more apparent it needed to go through committee and before anyone was permitted or built there needed to be a traffic impact analysis and plan of how to deal with traffic and it was not just confined to what was happening here, people needed to bring in a full plan of what was to be built so collectively they could figure the best thing to do and they needed to move forward on regulations going to the Planning Department. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that this was an issue Council Members dealt with because of all the surrounding progress, but progress should not come at the price of quality of life and the trick was the right set of rules to balance all interests at hand. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Dawn Harrell, 1623 Fawnhope, Houston, Texas 77008 appeared and stated that her three points would be that many already cut through and went around the temporary barricade and also delivery trucks and eighteen wheelers would be cutting through; that they already ignored the no through truck signs and cut up tree canopies and the recent addition of the 300 plus apartments on 18th Street to the already 1,100 on 18th Street caused an already bad bottleneck to be severe and also Fleming Foods operated there many years with delivery trucks and workers and no one ever needed Salford opened; that other roads were 41 feet wide and more capable of handling higher traffic than Salford, a 28 feet wide street with 16 driveways and they would also have increased crime potential; that the developers knew all this and did not care, only caring about profit margin and they needed the Mayor and Council Members to help them protect what they worked so hard to build and maintain. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Mark Nowlin, 2430 Droxford Drive Houston, Texas appeared and stated that he also was addressing the reopening of Salford Street running between Timbergrove Manor and Holly Park; that in a meeting held two weeks ago it seemed the city was forgetting promises made to neighbors in the past and according to Public Works all needed now was to pull a permit to develop property; that they spoke to Council twice over the past two years on the issue and written numerous times and they still did not want to lose property value or quality of life; that for decades warehouses and workers worked with the neighborhood and never asked the street be opened, they used routes already in place, why could new residents not do the same, especially with even more convenient routes coming in the future; that there was no need to open the street and the developer would be long gone; and they would appreciate attention in the matter. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Ben Crabb, 2502 Haverhill, Houston, Texas 77008 (713-861-5354) appeared and stated that page 6 in the presentation presented previously showed if Salford was opened as a two-way street between Minimax and West 18th Street people would use every street in their subdivision to avoid traffic lights and Public Works mentioned putting in another traffic light at Salford and then they would be able to miss two lights by cutting through their subdivision and if they went to Seamist they would miss three. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that on page 2 was another thing which caused problems and Council Members could read the letter from Director Marcotte, but they did need to establish a policy and be fair to new and old development and with high density going on before people started building there had to be a plan, no one should develop land and go to the expense of an architect until they looked at the whole area. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she thanked the community for coming and to Council Member Lawrence one concern was that he said they were proposing a light right where traffic was flossing and if residents were only allowed to go south there and they had a light she wondered what the backup time was for them to get out, in the Montrose there was no light but even with just a right turn sign they were told it was a 10 to 15 minute wait for people to get out and that was just turning right. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Marilyn Nowlin, 2430 Droxford Drive, Houston, Texas 77008 (713-594-6524) appeared and stated that her statement was more about the letter from Mr. Marcotte, to her it was a promise the street would not be opened until development was completed and a traffic study was done to prove there was a need; that lately they were hearing it had to be opened, it was a city street, two weeks ago Mr. Icken said it depended on what their definition of development was and that was a ridiculous statement; that she was asking the Mayor and Council to stand by the letter written and leave their street barricaded until completion of development and a true traffic study was done to see whether it needed to be opened. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Adams stated that with their street in the Hiram Clarke area she thought they should continue the policy of what they were saying because the development in their area was completed and it was taking six to seven months to see if it warranted permanent closure; and they did have her support. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Jones stated that they also had her support as she thought the city should stick by what they said. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

At 5:50 p.m. City Council recessed until 9:00 a.m., Wednesday, April 30, 2008. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, April 30, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 9:27 a.m. Mayor White called the meeting to order. Council Members Johnson, Holm, Brown, Noriega and Green absent.

Council Member Clutterbuck moved to suspend the rules to consider the Monthly Financial and Quarterly Investment Report out of order before the Mayor's Report, seconded by Council Member Khan. Council Members Johnson, Holm, Brown, Noriega and Green absent. MOTION 2008-0284 ADOPTED.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller – was before Council. Council Members Johnson, Holm, Brown, Noriega and Green absent.

Mayor White recognized Ms. Annise Parker, City Controller and Ms. Michele Mitchell, Director of Finance. Council Members Johnson, Holm, Brown, Noriega and Green absent.

Ms. Parker stated that this was the Monthly Financial Report for the period ended March 31, 2008, that they had increased their projected end of year surplus to \$7.6 million, that it was the net impact of increase in revenue projections of about three quarters of a million dollars combined with projected decreases in expenditures of \$5.4 million, that because they were very late in the fiscal year there were going to be more and more adjustments shown in the monthly reports and they had been detailing all of them at the Council table, they were always reported in the letter that precedes the monthly report and she would encourage Council to look at that letter, that she was not going to stop repeating what was in the letter, that the letter did reflect any changes of more than \$250,000 or those that they believed showed some sort of policy implications, that said she was going to point out three items, the Municipal Courts Funds and Forfeits were down by \$2.3 million, they did not expect the revenue to come anywhere near the budgeted amount of \$42.5 million and should be close to \$36.5 million, so the Municipal Courts Revenue continued to be very difficult to budget; that Information Technology was anticipating increased spending of about \$1.4 million to cover payments to contract workers who were helping with ongoing implementation of SAP, that while it was considered a very smooth SAP transition as they knew from problems they were having with the Annual Report that there were some bugs to be worked out; that in the Solid Waste Department, the department anticipated lower cost for Debt Service for a savings of about a half a million dollars, that the savings occurred because they delayed converting some Commercial Paper Debt to longer term bonds, so they were looking for opportunities to take advantage of things that were happening in the financial market; that there were also several changes in the Enterprise Funds that were also listed in the monthly letter; that she made a note yesterday about their interest in seeing something worked out on a substitution of the value of the hotel within the Houston Municipal Employees Pension System, she would not belabor that again today but they did believe there were potential savings to

the taxpayers of up to \$100 million over the remaining 26 year life of that deal and those savings were too much to ignore and they really urged the City and the pension system to sit down and work something out so they could make a substitution of collateral that would allow the pension to provide better service for the retirees and no diminishment of benefits but also that potential of \$100 million savings was really too much to leave on the table. Council Members Garcia, Lovell and Green absent.

Ms. Parker stated that she would move to the Quarterly Investment Report, that as of March 31, 2008 the City had approximately \$2.4 billion invested in their General Investment Pool, that compared to one year ago the invested balances had increased by \$156 million, the change was attributable to healthy increases in their General Fund of about \$77 million and their Aviation System of \$122 million, that the increases were partially offset by a decrease in the Combined Utility System of \$102 million, attributable mainly to the spending down of bond proceeds on capital projects, that the \$2.4 billion were flush right now, they had a lot of property tax revenue and that would be spent down fairly shortly as they spread it out; that a reminder that their first priority was always safety of capital and followed by liquidity, the returns came in third but they had returns since the first three quarters of the year of about 6%; that also it was SWAP Report month, the complete details of the SWAP transactions were in the monthly report and if anyone had a particular question or concern she would be happy to attempt to answer them; that the investment committee met last week and was requesting a change in the investment policy, she was aware that Council just reaffirmed their investment policy in January but markets had changed quite a bit and they were asking for an increase in one of their sector allocations, the Muni Bonds, from 15% to up to 20% of the portfolio, that as they had discussed on the debt side many public sector entities were having difficulty marketing their bonds, they thought there were some buying opportunities for their investment side and they wanted to take advantage of that; that there was a question yesterday about the benefits of using auction rate debt in the past few years, she knew it was asked of Ms. Mitchel after she left and she wanted to answer that question, that for the Combined Utility System, for the last three fiscal years, compared using fixed rate debt, the City saved approximately \$63 million by using the auction rate structure and the 2004 B Combined Utility System SWAP, that even with the auction market collapsing in February they still had \$2.7 million in savings year to date because of the solid 6 month savings on the taxable auctions through December, and then citywide for the last three years the City had saved approximately \$95 million compared to a fixed rate structure, that they had to be ready to react but they still believed that the decisions to use this type of auction rate debt had been good for the City, and that concluded her report. Council Members Garcia, Lovell and Green absent.

Ms. Mitchell stated that their projection for the General Fund Revenue decreased by \$2.1 million, it was as a result of lower revenue projection for the Municipal Courts, that consistent with last month's projection the department's current revenue trend had dictated their projection to decrease by \$2.3 million due to lower than anticipated Moving Violation Revenues and Failure to Appear Fines; that the Controller covered the expenditures and the Enterprise Funds and the Finance Department was in agreement with the Controller's projection and to save time she would not cover that any further, that she would go directly to the other funds since it was the Quarterly Report; that the Health Benefits Program caused an increase in revenue by \$955,000 and that was due to an increased number of enrollees, and the expenditures were lower due to a lesser number of projected retirees; that Asset Forfeitures increased by \$917,000 due to additional confiscations; and expenditures increased by \$1.1 million as a result of paying debt on 100 vehicles purchase with unanticipated revenue; that the Building Inspection Revenue increased by \$2.2 million and it was largely due to collected fees from permit issuance and the expenditures decreased by \$3.8 million, which was due to delays in a contract implementation relating to the move from 3300 Main in the amount of \$2.6 million, that the implementation of the Integrated Land Management System in the amount of \$500,000, as well as some lower spending in Capital Outlay; that the Police Special Service Revenue had increased by \$1.4 million as a result from an agreement with several federal and other local law enforcement agencies in the amount of \$870,000 and \$530,000 from Red Light Camera activity and interest income; that Technology Fee Operating Expenditures increased by \$1.5 million for the anticipated legal fees associated with the Integrated Case Management System; that there was no

change in the Katrina Aid and Recovery, and that concluded her report. Council Members Sullivan, Holm, Lovell and Green absent.

Upon questions by Council Member Khan, Ms. Parker stated that they were refinancing debt as they could and they were unloading certain type of Auction Rate Security but her comments were that for over the last three years of using these type of Auction Rate Securities they were still millions of dollars in the black, but what she also said was that they had to be aware of changes in the market and react to those changes, which they did, that as a municipal entity they were not the most nimble of institutions but they certainly followed the market and tried to react appropriately, that as they had detailed in previous meetings their interest rates on some of those virtually tripled, many municipalities were paying a penalty and that was one of the reasons that they were proposing a change on their investment policy so that they could buy what they considered to be good credit quality municipal bonds out there and improve their investment portfolio; that as to how much more they had paid in interest so far because of the rate increases, her note to herself just showed the net so she would get him that number. Council Members Adams, Sullivan, Holm, Lovell and Noriega absent.

Mayor White stated that there were two questions, one was how much more would they have paid if they had fixed rate rather than auction rate at the time, and that was a big number, that the other was if the auction rate markets did not have some default rates or premiums, compared to what it was, if there were more buyers of Auction Rate Securities would they pay less, yes, but in contrast to other institutions, and they had met certain institutions that were paying double digit interest rates and when they looked at the City's, by and large they were in the 3% and 4% range, and Ms. Parker stated that some of them were a little bit higher, maybe up to 6%, and Mayor White stated that if they looked at the average weighted amount they were not in some of the situations that they had in some other municipalities; and finally, yes they were moving and looking at alternatives to the auction rate market, and they heard him say in previous meetings that he had asked, at least the Director of Finance, to keep score on those financial institutions that had stepped up into the Auction Rate Market compared to those who had not and when it came to the underwriter selection that, for a while, was going to be the principal criteria. Council Members Adams, Sullivan, Garcia and Rodriguez absent.

Mayor White stated to Council Member Clutterbuck that at some point she might consider and he was not saying at what point she would deem appropriate because they obviously had a lot that went before her committee, and Members of the Committee and others on the Council it would probably help to have some kind of briefing from Municipal Courts Administration and maybe the Chief Prosecutor to determine trends, that they were not in the business of saying that their business was to write as many tickets as humanly possible so they would make as much money, that was not the policy of this administration, that it would be great if there were no moving violations and no revenues from moving violations, but if there were mass dismissals because of something then they needed to know that and for Mr. Lewis and both the head of Municipal Courts Administration and the Chief Prosecutor and maybe people she wanted to be briefed with as well as F&A; that the other point he wanted to make was that under the Fire Contract, the whole Fire Contract was based on assumptions concerning overtime levels and today's actual were more in light to what the Fire Department committed in writing and it's union in writing in Article 23 of the Collective Bargaining Agreement, they were more in line with those levels than the budgeted levels and he really applauded them for working towards keeping the word under the Collective Bargaining Contract on the level of overtime in the Fire Department. Council Members Adams and Garcia absent.

Council Member Clutterbuck moved to accept the Monthly Financial and Quarterly Investment Report, seconded by Council Member Khan. All voting aye. Nays none. Council Members Adams and Garcia absent. MOTION 2008-0285 ADOPTED.

MAYOR'S REPORT - Public Safety 700MHz Radio System

Mayor White recognized Mr. Richard Lewis, for a presentation. Council Members Adams and Garcia absent.

Mr. Lewis stated that he would first recap the consultant's work reviewed a slide presentation titled "Public Safety Radio System Replacement Project", a copy of which is in the City Secretary's office for review. Council Member Noriega absent.

Mayor White stated that he would mention to City Council three things and of each of them he welcomed input, at the Council table or otherwise; that first, price, there was a limit to the tax revenues that they would collect from their citizens and almost incremental revenues were devoted to public safety and they would see that in the budget submitted for the next year, they were addressing many public safety needs, for example, from police only, and there were others for fire and of course radios also involved Public Works, but he wanted to concentrate on public safety because that was where the bulk of need and expense was; that they were going to have a lot more officers and would be at 5,000 by year end from where they were and it was growing, that that they were taking people out of the jails and Municipal Courts and they had another group of classified officers who were doing things where they could be replaced by civilians, like the property room, great increases in the investments and forensics in the crime lab, helicopter equipment, that they would be talking about today, included related maintenance, the police vehicles had been replaced at a steady rate, they knew what the budget was going to be for the next five years, they had some years where the marked units were not replaced at all, new police facilities in the west central area, the Real Time Crime Center, that they would put in the budget more hours for storefronts and people who would be at those storefronts, it was a long list, and this was his point, for every million dollars that they could reduce in price that could be more money that they could spend on law enforcement and he takes that very seriously, that it was being realistic that there were always tradeoffs, so in making a determination of what the administration's vendor would be he would look at the amount and range of the estimated cost, the risk that it would go into the top end of the range, and future prices, that he wanted to know also the flexibility they had for new radios and parts to, what was the flexibility they would have five to ten years from now, that he did not know the answer to this question and would be asking the technical team, that it was called de-bundling, to what extent was it de-bundled, that second, functionality, they wanted the penetration and availability by channels, so there was no congestion and they would have room to grow without having somebody having a busy signal, if they were in law enforcement or radio; the clarity of the signal and the resiliency of the system, that if one tower went down and the whole system was out that was bad; that the final point, there was no decision or if somebody said that the administration leaned one way or another, unless he had said it, they were lying, that unless he told them that they did not know what they were talking about, that he dealt with it and a couple of other procurements that people were constantly trying to handicap this, that and the other thing, that if they had a technical evaluation by City staff and something comes up with 50 and another comes up with a score of 49 and the 50 cost 5% more that may be too high; that when they saw a list of criteria and they had seven or eight factors of which price was one he did not think there was anybody here where they ultimately did not have a budget so that was going to be of great importance to the process; that in large transactions done on the purchase and sale of real estate or the purchase and sale of business, things involving a lot of money, this was how it was done in the United States of America by the people who did it best, they keep a competitive process until there was a deal; that he would give them an example, on WiFi they did the same thing, there were two viable competitors, they matched each other's terms, and they bargained with one and then the other, and then there was the last term, somebody said okay a \$5 million letter of credit and one said okay and the other said they could not, that was the last term and they announced the decision the next day and guess what that last term turned out to be the critical term in the whole thing, that some people may consider it boiler plate or something that the lawyers could work out the details letter but he did not, so that was where he was going to press and mean it, that until there was a deal there was not a deal. Council Members Noriega and Jones absent.

Upon questions by Council Members, Mr. Lewis stated that the Mayor had challenged them to come up with and had suggested some concepts for maintaining the competitive environment as the assets needed to be replaced, that there were communication assets involved in the system and some of them had a life of 5 years, some of them had a life of 15 years, so they were going to be trying to structure the agreement such that they maintain the competitive environment, particularly on the subscriber units, but they would give him a little more thorough response. Council Members Johnson and Jones absent.

Upon further questions by Council Members, Mayor White stated that there were several sources of funding and he would highlight three of those, the first was a federal grant, and he was asking Ms. Ann Travis to contact each Council Member concerning the status of Homeland Security Funding; that second was approximately \$34 million that was voter authorized debt, where the voters in the City voted a couple of years ago that they had reported to the Council at that time and they had allocated that in the long term CIP; and third, there was money that was designated at the end of the last fiscal year when they had dialog around the Council table concerning greater than anticipated property tax receipts that was dedicated to public safety equipment that had been allocated for this purpose; and finally they would hope over time that there were some assets, such as towers or control system, where they could get other entities, but they were not going to delay their progress until they got those because the public safety professionals needed to proceed. Council Members Johnson, Noriega, Green and Jones absent.

Upon further questions by Council Member Khan, Mr. Lewis stated that the RCC was retained to perform the 2003 assessment of what the alternatives were and they came back in 2006 and specifically gave them a recommended path to follow; that they had also retained the same attorney that represented the City in the EarthLink negotiations for legal counsel, they had others involved in that process so he thought they really had a first class team deployed to the field and that was why they were at the point where they were; that what was exciting about the project was that there was a new standard that had been established, that Phase I of that standard some entities had already participated in, they were going to be one of the early and largest ones in Phase II, which meant that they could use subscriber equipment from multiple vendors and that was what the standard was all about, that historically that was what had been limiting the market, the proprietary nature of land based mobile radio systems, so it was kind of exciting that they were in the forefront of moving into that at a large scale. Council Members Johnson, Noriega, Green and Jones absent.

Upon further discussion Mayor White stated that they wanted to and would cooperate with other local government jurisdictions, a businesslike way to do that was by seeing if there were facilities they had that the City wanted to use, lease or rent and vice versa, that there were some benefits for people to share but they did not want to engage a two year negotiation, so he was saying that if there were facilities that they wanted to rent or lease from others, to do it, that if the County had a tower that they wanted to lease space on a tower, then let's not build a new tower, that he would fire people for building two towers next to each other if they had not really tried in good faith to share some facilities, that he could not dictate the policies of any other government entity but would encourage all government entities to take that view.

Mayor White stated that he wanted to thank Mr. Lewis for his presentation.

Council Member Garcia moved to suspend the rules to consider Item Numbers 44, 44a, 45 and 45a out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0286 ADOPTED.

Council Member Garcia requested a point of personal privilege and stated that he wanted to recognize the Members of the Helicopter Division and asked that they stand and be recognized, and thanked them for what they do and for putting their lives on the line. Council Member Adams absent.

44. ORDINANCE appropriating \$1,484,013.00 out of Equipment Acquisition Consolidated Fund for purchase of 2-Passenger Helicopters for the Police Department – was presented.

Council Member Holm stated that she wanted to thank HPD, particularly Joe Fenninger, for responding to the many questions she had regarding the purchase; that she supported upgrading, replacing and expanding the aging fleet that they had, but she was unable to support the expenditure because of the \$17 million, the money they were appropriating was to more than double the existing fleet at this time, and when she examined the projected cost the Debt Service for the next five years was projected to be about \$7 million with the information she was given, that did not include another expenditure they were going to have to do for the infra red lights that got equipped with that; that it also did not include the soaring fuel costs, the 88 staffing positions, 61 of which were classified, and the supplies, maintenance and operation, which was projected to be \$20,400,000 over the next five years, that she would have been able to support overwhelmingly a more conservative approach if they could have paced it a little bit so that they could grow the expansion at a slightly slower process, so for that reason she was voting no because it was hard for her, equipped with the information she had, to understand how they were going to be able to finance all the great expenditures they had and trying to balance the merits of the program with the expenditures, but she wanted everyone to know that it was not the program that was being questioned, it was her capacity to understand the funding of it at this time.

After further discussion by Council Members, Council Member Adams stated that she supported other departments to look at their budget priorities to look at their maintenance and their fleets to see what they needed to purchase, because they had their opinions about trying to save money and not to spend so much money at one time, that she wanted other departments to look at this as an example and go back and look at their fleet and see what they needed to purchase so they could add it into the budgets for the next five years; that she wanted to make a suggestion, they had such an awesome education program when it came to the helicopters going out to the schools and presenting and letting the kids see the helicopters, that she would like for them to use another helicopter to go out to the schools so that they could have two going out and educating the students. Council Member Rodriguez absent.

A vote was called on Item No. 44. Council Member Holm voting no, balance voting aye. ORDINANCE 2008-0361 ADOPTED.

- 44a. **AIR-FLITE, INC** for 2-Passenger Helicopters for Police Department – **(These were Items 13 and 13A on Agenda of April 23, 2008, TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK)** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. Council Member Holm voting no, balance voting aye. MOTION 2008-0287 ADOPTED.

45. ORDINANCE appropriating \$15,192,816.00 out of Equipment Acquisition Consolidated Fund for purchase of 4-Passenger Helicopters for the Police Department – **(This was Item 14 on Agenda of April 23, 2008, TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK)** – was presented. Council Member Holm voting no, balance voting aye. ORDINANCE 2008-0362 ADOPTED.

- 45a. **MD HELICOPTERS, INC** for 4-Passenger Helicopters for Police Department – **(This was Item 14A on Agenda of April 23, 2008, TAGGED BY COUNCIL MEMBERS HOLM and CLUTTERBUCK)** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. Council Member Holm voting no, balance voting aye. MOTION 2008-0288 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 41

MISCELLANEOUS - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment of **MR. LARRY B. BELL**, to Position Nine of the **HOUSTON READ COMMISSION**, for a term to expire 1/1/2011 – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0289 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **MECHANICAL CODE REVIEW BOARD (formerly known as the AIR CONDITIONING BOARD)**
 - Position Three - **MR. RICHARD W. BURR**, reappointment, for a term to expire 1/2/2009
 - Position Four - **MR. AJAY C. SHAH**, appointment, for a term to expire 1/2/2010
 - Position Five - **MR. JAMES R. “DICK” GRAVES**, reappointment, and to serve as Chair, for a term to expire 1/2/2009
 - Position Six - **MR. LEVI MOSS, JR.**, reappointment, for a term to expire 1/2/2010– was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0290 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering to approve refund for Water & Sewer Account to **DONALD R. MATHIS** - \$99,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0291 ADOPTED.

ACCEPT WORK - NUMBERS 4 through 6

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$647,492.43 and acceptance of work on contract with **PARALLAX BUILDERS, INC** for Renovation of Renwick Maintenance Facility, WBS R-000268-0040-4 - 2.06% over the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0292 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,436,847.68 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Chimney Rock Paving Project from Beltway 8 to W. Fuqua, WBS N-000665-0001-4 - 4.83% under the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0293 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,376,868.70 and acceptance of work on contract with **GREYSTAR EIG, L.P.** for Kingwood Wastewater Treatment Plant Improvements, WBS R-001000-0003-4 1.18% under the original contract amount - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0294 ADOPTED.

PROPERTY - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY7-041, located in the 1000 block of Redhaw Street, owned by Charles D. Yates, Trustee, for the **PARK ROW ROAD PAVING PROJECT from State Highway 6 to Eldridge Parkway**, WBS N-000723-0001-2 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0295 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 and 11

10. **AMEND MOTION #2007-218, 2/28/07, TO PURCHASE** additional patrol vehicles for Houston Airport System, awarded to **PHILPOT MOTORS, LTD., d/b/a PHILPOT FORD** - \$154,098.00 Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0296 ADOPTED.
11. **SHI GOVERNMENT SOLUTIONS, INC** for Microsoft Enterprise License Agreement through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Houston Airport System - \$939,928.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0297 ADOPTED.

ORDINANCES - NUMBERS 15 through 41

15. ORDINANCE finding and determining public convenience and necessity no longer require the continued use of excess fee-owned property within the Northside Disposal Plant Site (Parcel SY7-061), being out of the 15.99 acre tract comprising the west half of Lot 16, Harris and Wilson Survey, A-32, Houston, Harris County, Texas, containing 0.2772 acres (12,074 square feet) of land, more or less; vacating and abandoning said tract of land as well as authorizing a special warranty deed conveying same to Emanon Facilities, Ltd., abutting owner, in consideration of owner's payment of \$33,807.00 and other consideration to the City - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2008-0363 ADOPTED.
17. ORDINANCE approving and authorizing amendment No. 1 to Lease Agreement by and between the City of Houston and **CENTRAL HELICOPTER SERVICE, INC** at William P. Hobby Airport Revenue - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2008-0364 ADOPTED.
18. ORDINANCE appropriating \$1,500,917.00 out of FAA Grant Funds and \$693,879.00 out of Airports Improvement Fund, and approving and authorizing Amendment No. 2 to construction contract by and between the City of Houston and **VANDERLANDE INDUSTRIES, INC** for Explosive Detection System Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston; WBS A-000486-0011-4-01 and A-000486-0011-4-02 (Project No. 612H); providing funding for the Civic Art Program - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2008-0365 ADOPTED.
19. ORDINANCE approving and authorizing contract between the City of Houston and **CAREER AND RECOVERY RESOURCES, INC**, providing up to \$64,233.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds for the Administration of a Computer Literacy Training Program, along with supportive services – was presented. All voting aye. Nays none. ORDINANCE 2008-0366 ADOPTED.

21. ORDINANCE making general appropriation of certain revenues of the City in support of annual budgets for fiscal Year 2008; authorizing transfers in support of the annual budgets of the City for Fiscal Year 2008; making additional appropriations – was presented. All voting aye. Nays none. ORDINANCE 2008-0367 ADOPTED.
22. ORDINANCE approving and authorizing third amendment to an interlocal contract between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Law Enforcement, General Surveillance and Traffic Control in TXDOT Construction Zones – was presented. All voting aye. Nays none. ORDINANCE 2008-0368 ADOPTED.
23. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Texas Automobile Burglary & Theft Prevention Authority ("ABTPA") for the Major Accessory Shop Enforcement/17 Grant Program; declaring the city's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. ORDINANCE 2008-0369 ADOPTED.
24. ORDINANCE consenting to the addition of 29.1237 acres of land to **ADDICKS UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2008-0370 ADOPTED.
25. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 497** – was presented. All voting aye. Nays none. ORDINANCE 2008-0371 ADOPTED.
26. ORDINANCE consenting to the addition of 38.916 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2008-0372 ADOPTED.
27. ORDINANCE amending Ordinance No. 2007-1319 to increase the maximum contract amount from \$225,000.00 to \$355,000.00 for Legal Services relating to the defense of claims concerning the City's Sign Ordinance in the extra territorial jurisdiction under a contract between the City of Houston and **SMYSER, KAPLAN & VESELKA, L.L.P.** - \$130,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0373 ADOPTED.
28. ORDINANCE appropriating \$250,000.00 out of General Improvements Consolidated Construction Fund, \$50,000.00 out of Solid Waste Consolidated Construction Fund, \$100,000.00 out of Public Library Consolidated Construction Fund and \$100,000.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Architectural Services Task Order Contract between the City of Houston and **BRAVE/ARCHITECTURE, INC**, for Various City Departments, WBS D-000115-0005-3, L-000072-0001-3, E-00ARCH-0001-3 and G-00ARCH-0001-3; providing a maximum contract amount – was presented. All voting aye. Nays none. ORDINANCE 2008-0374 ADOPTED.
29. ORDINANCE appropriating \$47,718.00 out of Parks Special Fund for Purchase of Shade Structures through the Texas Local Government Purchasing Cooperative for the Lee and Joe Jamail Skatepark, WBS F-000560-0002-4 - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2008-0375 ADOPTED.

30. ORDINANCE appropriating \$24,427.00 out of Parks Consolidated Construction Fund for Purchase of Playground Structure through the Texas Local Government Purchasing Cooperative for the Neighborhood Partnership - Braeswood Park Playground, WBS F-000244-0001-4 **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. ORDINANCE 2008-0376 ADOPTED.
31. ORDINANCE amending Ordinance No. 2007-1327 to substitute a revised Professional Consulting Services Agreement for a previously approved Professional Consulting Services Agreement between the City of Houston and **ENVIRONMENTAL CONSULTANTS, INC d/b/a ERC** (approved by Ordinance No. 2007-1327) for Asbestos and Lead Program and General Environmental Services, WBS D-000073-0012-4 and F-000509-0040-4 – was presented. All voting aye. Nays none. ORDINANCE 2008-0377 ADOPTED.
33. ORDINANCE awarding contract to **CHIEF SOLUTIONS, INC** for Storm Sewer Television Inspection (Work Order Contract), WBS M-000301-0003-4; (SM5052-03) - \$368,967.96 Stormwater Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0378 ADOPTED.
34. ORDINANCE appropriating \$37,674.75 out of Street & Bridge Consolidated Construction Fund; and \$135,125.25 out of Limited Use Roadway and Mobility Capital Fund awarding contract to **JERDON ENTERPRISE, L.P.** for Dryden Street widening from Main to Fannin, WBS N-000396-0009-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Limited Use Roadway and Mobility Capital Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. ORDINANCE 2008-0379 ADOPTED.
35. ORDINANCE appropriating \$2,930,802.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-0112-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0380 ADOPTED.
36. ORDINANCE appropriating \$1,307,751.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Special Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS R-002013-0021-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0381 ADOPTED.
37. ORDINANCE No. 2008-322, passed second reading April 23, 2008
ORDINANCE granting to **ARROW SERVICES 123, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste

from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0322 ADOPTED THIRD AND FINAL READING IN FULL.

38. ORDINANCE No. 2008-323, passed second reading April 23, 2008
ORDINANCE granting to **PERFORMANCE CONTRACTING, INC, a Kansas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0323 ADOPTED THIRD AND FINAL READING IN FULL.
39. ORDINANCE No. 2008-324, passed second reading April 23, 2008
ORDINANCE granting to **MILLENNIUM PROJECT SOLUTIONS, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0324 ADOPTED THIRD AND FINAL READING IN FULL.
40. ORDINANCE No. 2008-355, passed first reading April 23, 2008
ORDINANCE granting to **INLAND ENVIRONMENTS, LTD., a Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0355 PASSED SECOND READING IN FULL.
41. ORDINANCE No. 2008-356, passed first reading April 23, 2008
ORDINANCE granting to **STANZ INTEGRATED CLEANING SOLUTIONS, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0356 PASSED SECOND READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,330,264.40 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in the Gulf Meadows Subdivision, WBS S-000035-0081-4 - 3.74% under the original contract amount - **DISTRICT E – SULLIVAN** - was presented, moved by Council Member Khan, seconded by Council Member Garcia.

Council Member Jones stated that she wanted to give kudos, that the MWBE participation goal was 17% and 24.97% was achieved, so she just wanted to make note of that.

A vote was called on Item No. 7. All voting aye. Nays none. MOTION 2008-0298 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,857,015.30 and acceptance of work on contract with **ALSAY, INCORPORATED** for Rehabilitation of Existing Water Wells, WBS S-000200-0015-4 - 0.16% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0299 ADOPTED.

ORDINANCES

12. ORDINANCE supplementing the City of Houston, Texas Combined Utility System Master Ordinance No. 2004-299; supplementing and amending Ordinance No. 2004-300 as it relates to City of Houston Combined Utility System First Lien Revenue Refunding Bonds, Series 2004C-1, Series 2004C-2A, Series 2004C-2B and Series 2004C-2E (50%); authorizing the execution and delivery of a Paying Agent/Registrar Agreement, Tender Agent Agreement, Remarketing Agreement, Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; making other provisions regarding the conversion of the interest rate mode on such bonds; and declaring an emergency was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2008-0382 ADOPTED.
13. ORDINANCE **AMENDING SECTIONS 21-161, 21-164, and 21-166 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to registration of air pollution sources; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful, providing affirmative defenses thereto and penalties therefor; containing a savings clause; providing for severability – was presented, and tagged by Council Members Noriega and Clutterbuck.
14. ORDINANCE relating to the amendment of the City's Energy Conservation Code; adopting a new Energy Code applicable to commercial uses and structures only, together with local amendments thereto; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability; containing a repealer – was presented.

Council Member Lawrence stated that she wanted to thank Andy Icken and Shiela Blake, that some of them heard people coming up before the Council and talking about possible things that they did not know, their opinions, and so they had a preplanned meeting last night for that situation and had those business people come to that meeting and one on one talk about their various problems, things that had already been done in the code, that Ms. Blake had the code memorized up side down and backwards, and it had been wonderful to work with her on it, that last night there was some concern over roofs, that there were over 400 different types of roofs that could be used in the code, so she thought was resolved, that the humidity, the commissioning, everything was talked about, they did have their hands tied a little bit as far as small construction add ons to buildings so she had asked Sylvester Turner's office to come to the meeting and Ms. Blake was going to work very close with them, so that the very first part of the legislation some things could be corrected that the City could not correct, those were State laws, so hopefully they would be able to get that through right a way and help those particular people out, but overall the code was doing what they wanted it to do, conserve energy.

Council Member Khan stated that they should also be energy conservation capital of the world and he thought the amendment would go a long way towards that, but he challenged the development community, the architectural and engineering community, to not make it as an end point, to make it as a starting point and design LEAD certified buildings and make Houston the most environmentally friendly city and the conservation capitol of the world. Council Member Sullivan absent.

A vote was called on Item No. 14. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-0383 ADOPTED.

Mayor White stated that he wanted to say a special thanks to Council Member Lawrence for the work she did for the City. Council Member Sullivan absent.

16. ORDINANCE appropriating \$6,990,805.00 out of Houston Airport System Consolidated 2004 AMT Construction Fund; approving and authorizing Project Development Agreement by and between the City of Houston and **CONTINENTAL AIRLINES, INC** relating to the Construction of the APM System at George Bush Intercontinental Airport/Houston (Project Number 536G); WBS A-000354-0004-4-01, and \$122,339.00 out of Airports Improvement Fund for the Civic Art Program - **DISTRICT B – JOHNSON** – was presented. Council Member Sullivan absent.

Council Member Johnson stated that she wanted to commend Continental, their MWBE goal was 40% and reading from the RCA it states that Continental would make good faith efforts to award sub contracts or supply agreements of at least 40% of the agreement to MWBEs, that she wanted to commend them on that goal. Council Member Sullivan absent.

Council Member Lovell stated that she also wanted to congratulate Continental but most of all she thought for all of them it was great news to hear this week that Continental decided not to merge and that they would be in Houston and continue to be their partner and they were a great partner of the City.

Council Member Brown stated that he hoped it was being designed so that there could be a future interface between light rail and the people mover system at the airport.

A vote was called on Item no. 16. All voting aye. Nays none. ORDINANCE 2008-0384 ADOPTED.

20. ORDINANCE approving and authorizing the City of Houston to submit the 2008 Consolidated Action Plan to the United States Department of Housing and Urban Development, including the following 2008-2009 Grant Applications: 1) 34th Program Year Community Development Block Grant in the amount of \$33,717,217.00 (\$29,798,698.00 Entitlement Grant, and \$3,918,519.00 Program Income); 2) Home Investment Partnerships Grant in the amount of \$13,130,151.00 (\$12,722,540.00 Grant, \$300,000.00 Program Income and \$107,611.00 from the American Dream Down Payment Initiative [ADDI]); 3) Housing Opportunities for Persons with AIDS Grant in the amount of \$6,038,000.00; and 4) Emergency Shelter Grants in the amount of \$1,326,597.00; and to accept the aforementioned grant funds, if awarded – was presented.

Members of Council thanked and commended Mr. Celli and the Housing and Community Development Department, and Mayor White stated that they did have HUD findings that were made in 2003 and one of the things that they would be talking about next was that because of the credibility that Mr. Celli and Mr. Wilson, it began with Mr. Wilson and concluded with Mr. Celli, he thought that they would be able to resolve some of those things, that it was important

that they were on some page with HUD on this, for example, they say they had to pay the money back because there was down payment assistance given for some homes where they relied on the inspector of the mortgage company rather than having two inspectors, one for the mortgage underwriter and one for the City, that the federal rule should have been that they should have had two inspectors, whether that was a good rule or bad rule they could debate, whether it was wasteful or not they could debate, it was not followed, whether they should have to pay back all of the money that was done on mortgages which were before 2004, they were going to work through those things and were going to get them resolved, that he wanted to thank everyone around the Council table for giving positive reinforcement to the men and women who worked in that department and to say thank you for what they did.

A vote was called on Item No. 20. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2008-0385 ADOPTED.

32. ORDINANCE approving and authorizing an amendment to the TxDOT Agreement for the Construction of Columbia Tap Union Station Trail - a Joint Project between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** (approved by Ordinance No. 04-1114), WBS N-000420-0037-4 – **DISTRICT I – RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent. ORDINANCE 2008-0386 ADOPTED.

MATTERS HELD - NUMBERS 42 through 46

42. ORDINANCE **AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to burglar alarms, panic, holdup and similar alarm systems; containing findings and other provisions relating to the foregoing subject; providing for civil fees and penalties and criminal penalties; providing an effective date; providing for severability – **(This was Item 12 on Agenda of April 16, 2008, POSTPONED BY MOTION #2008-263)** – was presented.

Council Member Noriega offered the following motion to amend Item No. 42, seconded by Council Member Lawrence.

“RE: Agenda Item No. 42 (4/30/2008)

I move to amend Item 42 by making the following changes in Section 2 of the proposed Ordinance:

1. Amend Subsection (a) of Section 11-52 by inserting the following caption before the existing text:

‘Unlawful conduct.’

2. Amend Subsection (a) of Section 11-55 by inserting the following between the word ‘Code’ and the ending period :

, provided that any police response to the alarm site shall be evidenced by the responding officer's placement of a notice or decal at or on the doorway or principal entry to such site noting the responding officer's name and the date and time of the response.

3. Amend Items (3) and (4) Subsection (d) of Section 11-68 to read as follows :

(3) Residential panic or holdup alarm system: \$220 .00 for each alarm notification.

- (4) Non-residential panic or holdup alarm system : \$350.00 for each alarm Notification.

After discussion by Council Members, a vote was called on Council Member Noriega's first motion to amend Item No. 42. Council Member Sullivan voting no, balance voting aye. MOTION 2008-0300 ADOPTED.

Council Member Noriega offered a second written motion to amend Item No. 42 as follows:

"RE: Agenda Item No. 42 (4/30/2008)

I move to amend Item #42 by making the following changes in Section 2 of the proposed Ordinance :

(a) *Residential alarm site.* The fee for a new or renewal alarm permit for a residential alarm site shall be \$30 for a burglar alarm system without a panic alarm system and \$50 for a burglar alarm system with a panic alarm system. For purposes of this subsection, a burglar alarm system with a remote control that may be used to trigger the alarm shall not be deemed a panic alarm system."

A vote was called on Council Member Noriega's written motion to amend Item No. 42. Council Member Sullivan voting no, balance voting aye. MOTION 2008-0301 ADOPTED.

A vote was called on Item No. 42 as amended. Council Member Sullivan voting no, balance voting aye. ORDINANCE 2008-0387 ADOPTED AS AMENDED.

43. RECOMMENDATION from Director Department of Public Works & Engineering for payment of funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** - \$200,986.80 General Fund – **(This was Item 4 on Agenda of April 23, 2008, TAGGED BY COUNCIL MEMBER HOLM)** – was presented, moved by Council Member Lovell, seconded by Council Member Lawrence.

Council Member Holm stated that she asked several questions last week on this item and she wanted to thank Mr. Gary Norman in Public Works for investigating and providing her with some good information and a positive response, that her questions were basically two fold, one, that this was a financial obligation and so much they were reading daily about how traffic and mobility were now the number one issue for most Houstonians, so her concern was what accountability did they have for Metro managing a few signals when it was such a comprehensive plan for the City, and second, as the program grows and more streets were involved did the new proposed agreement allow Metro the flexibility without accountability or would the City be managing it, that to both of them she was pleased, and the answer was that Metro had not provided them any information as to the spending of it and they had requested it now and before they pay any further quarterly payments they would get that information, and as they went forward, in order to make sure that they had proper value for their dollars and to effectively manage their traffic control, it was not in the proposed agreement that the City would retain all control of signalization in the future and she believed that Public Works indicated, and she encouraged them to actively pursue amending the December 2003 agreement so that the City retains all control of their traffic working in balance and harmony.

A vote was called on Item No. 43. All voting aye. Nays none. MOTION 2008-0302 ADOPTED.

46. ORDINANCE appropriating \$430,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **CARTER & BURGESS, INC** for Design of Water Lines and Brick Street Preservation and Restoration in the Freedman's Town Area, WBS S-000455-0001-3 and N-001315-0001-3; providing funding for contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund - **DISTRICT I – RODRIGUEZ – (This was Item 27 on Agenda of April 23, 2008, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. ORDINANCE 2008-0388 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Holm stated that she wanted to thank Gary Draebeck, Captain Karen Dupont, Chief Michael Shrum and Chief Michael Casey for their hard work on a test pilot program that was installing speed cushions, that at this time there was a very limited use of the cushions and it was to test the suitability of the product for a wider application, that she really hoped that if they found it to be as satisfactory as it appeared that they would capitalize of this example of two departments with really different perspectives coming together on a really important issue and that they would come up with a plan that allowed their neighborhoods to participate and assist the City of Houston in providing programs that were important to them. Council Members Sullivan, Rodriguez and Noriega absent.

Council Member Holm stated that she wanted to thank the Mayor and HPD for the staffing and the money that was provided to Westside in the realm of public safety; that under Captain Kershner's leadership and all of the different arenas of HPD they were apprehending and arresting criminals and there was no question that all of it had been effective; that right now she thought that one of the weaknesses and challenges that they had before them was to figure out a way to expand their requirements for the apartment owners and managers that failed to recognize that a few people were not living up to the expectations and rules of the City and that was impacting the quality of life and the wellbeing of hundreds of thousands of Houstonians, so she hoped they looked at that as a serious issues, that she hoped they would hold everyone accountable to being a responsible part of their community. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Noriega and Green absent.

Council Member Holm stated that she wanted to thank Craig Mason, Michele Mitchell and Council Member Clutterbuck, they had really tried to pursue, question and understand a decision made by the Firefighters Pension Board to require the City to pay the maximum compensation or maximum amount of over 29% rather than to smooth that impact, and after a meeting with the board chairman and his representatives she came out as confused or more confused than she did going into it with the understanding and trying to figure out, that causing the City to pay over 29% this year meant that they would pay much less next year, that it had no impact on the benefits to the firefighters, it had no impact on the plan whatsoever but what it could do, and she had not seen the budget yet, but it could force the City to make some service cuts because rather than smooth that process they were paying so much more into a plan unnecessarily, that she thought communication was so important to the citizens and to the firefighters, that she would like for Mayor White to consider putting out some type of statement or communication to the firefighters and the citizens to let them know that should they have to make service or equipment decisions in the future budgets that it was a result of a decision made by their pension board and not necessarily an arbitrary decision that the City made to cut services. Council Members Johnson, Sullivan, Rodriguez, Noriega and Green absent.

Mayor White stated that he wanted to thank Council Member Holm and Clutterbuck for paying attention to the issue, that it may seem esoteric to some and in the City's operating

expenses it was better that they have predictable amounts over time rather than have these swings because it did make it more difficult to manage a City on a businesslike basis, they respect the fact that the Firefighters Pension Board had tried to keep the benefits in line with the liabilities and assets of the system in line, however, the truth was a very powerful tool if used right and the truth was that they did not want at all to endanger the Firefighters Pension Fund, and they did not want to have to borrow more money to meet the pension obligations, therefore they would like to smooth out the payments over some time; and Council Member Holm stated that she was still at a loss for why it was a good decision when they all had the same responsibility and that was to make sure that their services were provided and that the pension fund stayed whole and solid. Council Members Johnson, Sullivan, Rodriguez, Lovell, Noriega and Green absent.

Council Member Holm stated that she wanted to make sure that everyone understood how important and vital she believed the helicopter program was, but the numbers that she used were those provided to her by HPD, and she was trying to balance the long term cost benefit of the program with the analysis. Council Members Johnson, Sullivan, Rodriguez, Lovell, Noriega and Green absent.

Council Member Garcia stated that he wanted to thank Ms. Susan Luycx in Sign Administration for her help in resolving some issues in the Brookwoods area of his district. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell, Noriega and Green absent.

Council Member Garcia stated that all of his colleagues were invited and urged to participate in LULAC's Cinco de Mayo Parade this weekend; that last Friday they had a great community event in the Second Ward, Eastwood and Lawndale area where they had some issues occurring on the hike and bike trail, that there had been some concerns in the community about how safe it was or was not so they took a very practical approach and that was the more good people that used the hike and bike trail the safer it should become, so they got people out there and Precinct 6 and HPD came out there and they had a good turnout and he wanted to thank everyone for their participation and asked Mayor White if he could have Public Works provide them with some direction in this regard because they did not have representative from Public Works and Parks so he was not sure who the governance of the hike and bike trails was effectively under; that probably about half the lights along the hike and bike trail were out so he was not sure where that went and was not sure if they handle it through CenterPoint or not, so if they could have someone work with them so they could get those lights functioning, that also mounted patrol came out. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell, Noriega and Green absent.

Council Member Garcia stated that they were hosting the premier of "Iron Man", that it would be showing this evening, that it was an opportunity to highlight their heroes and the theme of the premier was to highlight the heroes in public safety and the military; that they had invited some folks from Public Works because thanks to Mayor White's focus they had demonstrated to the public that every employee puts their life at risk, so it was an opportunity to highlight. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell, Noriega and Green absent.

Council Member Khan stated that he wanted to acknowledge the good work done by the Alief Community last Saturday, it was the Alief Community Cleanup Day, the National Keep America Beautiful Organization had a yearly Keep America Cleanup, that it began on April 5, 2008 and would run until May 31, 2008, that during this time neighborhoods could contact Keep Houston Beautiful to receive help, resources and support for a fun and successful cleanup, that he wanted to thank everyone who was involved; that on Saturday, May 3, 2008, they would have their 16th Annual Gulfton Festival at Bayland Burnett Park from 11:30 a.m. to 3:00 p.m., they would also have a parade before the festival which would start at 11:00 a.m. from

Benevides Elementary School and they wanted to thank HPD Gulfton Storefront for organizing and helping out with the event. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell, Noriega and Green absent.

Council Member Khan stated that he and Mayor White and many other outstanding businesses from the Houston area went last week to UAE, which included Abudabi, Dubai and Katar, that it was a great experience and resulted in tremendous networking opportunities and business promotional opportunities for Houston based business, that having the Mayor lead the delegation had a tremendous impact into opening doors and bringing more contacts at the highest level in that area, that these business trips were extremely crucial for any City; that everywhere they went people acknowledged the good reception they were getting at the Houston airports. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell, Noriega and Green absent.

Council Member Khan stated that Mr. Wes Johnson, Public Works, was retiring, that they wanted to wish him bigger and better things in his retirement years and hoped to see him around and good luck to him. Council Members Johnson, Clutterbuck, Sullivan, Rodriguez, Lovell, Noriega and Green absent.

Council Member Brown stated that he wanted to spend his time talking about turning Houston green, that he felt that the administration had done a precedent setting job in the effort to make Houston a more environmentally responsible City and to conserve energy in many ways; that Discovery Green was what he would call one of the crowning achievements of the Bill White administration. Council Members Johnson, Clutterbuck, Sullivan, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that he thought they all had a copy of a power pole on West Dallas which was somehow located in the middle of the street and he talked about it on the City Council and the administration responded in some fashion, or maybe CenterPoint saw his report on television and low and behold the next day all they had was a little patch in the middle of the street, that he wanted everyone to know that At Large Council Members had their crowning achievements to. Council Members Johnson, Clutterbuck, Sullivan, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to talk about the situation represented in photographs of construction of a higher density development at the River Oaks Shopping Center; that the photograph was of a one story garage of a residence on Brentwood and five feet away was the beginning of construction of what would be a 45 foot high, four level, that in the five foot easement there were utility poles in the easement, that 5 feet did not meet CenterPoint standards for the width of a utility easement so he was perplexed that the garage could be built that close to these single family lots. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that she wanted to thank Council Members Brown, Jones and Noriega and a representative from Council Members Lovell and Green offices for their support at their past two townhall meetings which were very successful in the Quail Run and Fort Bend areas and in the Near Town and Montrose communities, that she wanted to thank Mr. Marcotte, Mr. Michel, Chief Edwards, Neighborhood Protection, Kim Robertson, BARC, and the representative from Parks, Traffic Control, Solid Waste, Parking, TranStar and the Police Department for their continuous efforts and Super Neighborhood Sixty Eight. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that on Friday, Kashmere High School would be celebrating, at the Black and White Gala, Fifty Years and honoring the first class of 1958; that she wanted to congratulate the Women of Law Enforcement for another successful event on Monday, that she had the opportunity to sit in on one of the classes and it was really exciting; that she wanted to remind everyone that they were continuing to celebrate "Go Red For Girlfriends", which was a health and wellness conference this past Saturday, which promoted good health and a healthy heart; that she drives out in her community to find out what was going on and who was complying with the ordinances, that she drove around to look for vendors who were operating illegally by selling food on the corner, that she wanted to thank the Health Department for taking her issues and complaints, that when she sent them the information of vendors operating in District D without permits they went out right away and looked at the vendors to make sure they that they had permits, that some did not but as of today the vendors that were cited went out and got their permits; that she wanted to thank Mr. Dan Krueger and the Mayor's staff for assisting Mr. Middleton about his palm trees, that there would be no palm trees removed from Mr. Middleton's property; that she wanted to thank Public Works for communicating with the citizens of District D; that she wanted to thank Ms. Swindle and the Southeast Coalition for their work with the Johnson Branch Library, that they had a debt remaining and she wanted to thank the Library Foundation for stepping in and helping them resolve their debt. Council Members Johnson, Clutterbuck, Sullivan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she wanted to give recognition to the Women in Law Enforcement Conference, that she saw Council Members Lawrence and Noriega there; that Ms. Teresa Barr Curry, who went to Aleif Elsik with her, won an award; that the United Way had their annual meeting and raised a lot of money; that a couple from Amazing Race were in Houston last week, their great race would start tomorrow; that she wanted to give recognition to Council Members Adams and Rodriguez, both of who had townhall meetings, Council Member Adams in Quail Run and the Montrose area and Council Member Rodriguez in Freedman's Town, that they were wonderful meetings. Council Members Johnson, Clutterbuck, Adams, Sullivan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that in the neighborhood she lived in there was a murder last week, that she heard the six gunshots and the next morning found out that someone died, that a truck was stolen from right in front of her house three or four days ago, that there was a rape on her street, that a couple of months ago there was a murder in the neighborhood park which was less than two miles from her house, about four months ago, that there had been two murders in the apartments less than a block away from her house within the last six months, that last year her house and car were broken into, the convenience store, right behind her house, had prostitution and tons of drug arrests, that there was a Metro bus stop less than a block from her house where one of the murders took place and all this illegal, so Metro needed to do a better job of patrolling their bus stops because that was where stuff happened, that there was an alley behind her house that was not maintained and she did not know who was supposed to maintain it but people dumped there and illegal activity was there and when the people broke into the back of her house she was certain that was where they had their getaway, so she hoped the helicopters could fly around and tell people where they were hiding in the alleys behind the neighborhoods, and the apartments that were there everyone knew where the drug dealers lived, that she thought that apartment owners and management should do a better job of securing their areas, if there was a lot of crime there they should have security, that she did not know what they should do, that they had these apartments that were substandard and when they allowed people to live in those kind of conditions they knew where people ended up. Council Members Johnson, Clutterbuck, Adams, Sullivan, Holm, Garcia, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that they had some marines come back into town, they had no casualties, which was great, and they would be having something for the marines on Friday at 11:00 a.m. at the Army Reserve Center at 1902 O.S.T., that they would be presenting flying crosses and air medals to two former marines from World War II. Council Members Johnson, Clutterbuck, Adams, Sullivan, Holm, Garcia, Rodriguez, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that there would be a Quality of Life Committee meeting on Thursday, May 1, 2008 at 9:00 a.m., that they had invited Dr. Steven Kleinberg to come and give a presentation on a Houston area survey, that they would also be discussing the creation of a retail and entertainment district downtown and a presentation by the Houston Parks Board on some changes; that there would be a special TIA meeting on Thursday, May 8, 2008 at 10:00 a.m. to discuss some airport matters and a regular TIA meeting on Tuesday, May 13, 2008 at 10:00 a.m. to discuss the long awaited Metro Consent Agreement. Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to thank Sergeant Flores at the Montrose Store Front for last Friday and allowing her to ride around his beat and area in Montrose and the Fourth Ward District, that it was very educational, that he was able to show her some areas that were trouble spots and were going to be taken care of, that they put some overtime police in that area to take care of some things. Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that it was great on Monday to go to the old original Gregory School for the groundbreaking of the new African American Museum, that it was an incredible moment; that Ms. Bostick, who is Jack Yates granddaughter, was so eloquent and who went to that school, that her speech was eloquent and hand written in the most perfect Palmer penmanship and she asked Dr. Lawson if they could grab Ms. Bostick's notes because it was the first piece of current history that should be put in there because it was a tribute to the school and how well taught the students were, that Ms. Bostick promised that she would not throw them away and they could put it in the archives there. Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that they were trying to keep their Regulations Development and Neighborhood Protection, that maybe she thought it should be divided, all of the things that people wanted on the agenda, that they would be having a meeting today and she wanted to remind staff that was listening to get the word to their Council Members where possible, that it would be at 2:00 p.m., that there were very huge issues coming forward, changes in Chapter 42, again with concerns with inter loop neighborhoods, that right-of-way would start discussions, a number of Council Members had various problems as they drove their district, what was going on in the right-of-way and then again something that the legislators had given them power to do, and they were looking at speed limits within a neighborhood, that they had given them power to change that to 25 miles per hour and they would continue a bit of discussion on that today, that the meeting was very vital, that a very big concern of her was that they had an excellent ordinance out there, the Apartment Security Ordinance, things that Council Member Jones said, and she asked her to give them the name of those apartments, that in May when they have their committee meeting they would have the Chief coming forward, that the Chronicle ran a front page on six or seven slumlord apartments by elected official and they should have been on it six or seven months ago not to happen, since they had that ordinance there was no reason for that, that the description that Council Member Jones gave of those apartments should not be going on, that speaking with the Chief there had to be a little

more working together of Neighborhood Protection and the apartment ordinance; that the hearing on the Apartment Security Ordinance would be the middle of May 2008. Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he recently reviewed about 55 apartments that they put in the highest category in the Apartment Security Ordinance and then had them do the crime for the last six months of 2007 compared to comparable and asked Council Member Lawrence if she had seen that and Council Member Lawrence stated that she had not and Mayor White stated that she would be heartened to know that when they pass the laws actually something got done, that he thought the overall decrease in these 55 properties had been 30% and there were 7 of the largest where they had cuts in crimes of 50% or more, they were sending something out to the effected neighborhoods on CitizensNet. Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that today was Willie Nelson's birthday. Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:23 p.m. Council Members Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary